

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN R. ZIMMERMAN,
Plaintiff

v.

THOMAS W. CORBETT, et al.
Defendants

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No. 1:13-cv-02788

(Judge Kane)

ORDER

AND NOW, on this 10th day of February 2015, **IT IS HEREBY ORDERED THAT**

Defendants' motion to dismiss (Doc. No. 21) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendant Linda L. Kelly is **DISMISSED WITH PREJUDICE**;
2. Plaintiff's malicious prosecution claims in Counts One and Two against the remaining Defendants are **NOT DISMISSED** to the extent that they are premised on allegations that (1) the Defendants manufactured witness testimony and intimidated witnesses prior to the grand jury proceedings, (2) the Defendants destroyed exculpatory evidence, and (3) that Defendant Fiore signed a criminal complaint and affidavit of probable cause that contained false and misleading statements; in all other respects, Plaintiff's malicious prosecution claims in Counts One and Two are **DISMISSED WITH PREJUDICE**; and,
3. Defendants may raise their immunity arguments at summary judgment, following development of the factual record in this case.

S/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania